

REMARKS

Amendment

By this amendment, the claims have been amended, without prejudice or disclaimer, to recite methods and a composition for the treatment of “inflammation” in a mammal. Applicants reserve the right to pursue any subject matter removed by this amendment in one or more continuation or divisional applications.

Restriction/Election

In response to the Office Action dated October 4, 2004, Applicant hereby elects the claims of Group I (claims 1-19), drawn to a method, for prosecution in the subject application, with traverse.

The traversal is on the grounds that the Examiner has failed to establish that a search of the complete application would be an undue burden as required by MPEP 803. MPEP 803 states: “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” It is Applicant’s position that the Examiner has failed to establish that a search of the entire application constitutes an undue burden. Therefore, it is requested that the entire application be searched and examined.

In further response to the Office Action dated October 4, 2004, Applicant hereby elects the subject matter relating to a method of treating rheumatoid arthritis, for prosecution in the subject application, with traverse.

The traversal is on the grounds that the methods presently claimed are related. The claims have been amended herein to recite the treatment of inflammation in a mammal. The methods presently claimed are related because the patient population treated is not divergent in this respect, i.e. all mammals treated by the claimed methods

have inflammation. Indeed, as indicated on page 8 of the Office Action, the Examiner mentions, as an example, a method of treating inflammation. In view of the foregoing, Applicant respectfully submits that the claims as amended (which relate to the treatment of inflammation) do not relate to unrelated inventions, and respectfully request that the requirement for restriction be withdrawn.

The traversal is further on the grounds that the Examiner has failed to establish that a search of the complete application would be an undue burden as required by MPEP 803. MPEP 803 states: “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” It is Applicant’s position that the Examiner has failed to establish that a search of the entire application constitutes an undue burden. Therefore, it is requested that the entire application be searched and examined.

In further response to the Office Action dated October 4, 2004, Applicant hereby elects the subject matter of Group G, relating to any compound capable of inhibiting a proprotein convertase, for prosecution in the subject application, with traverse.

The traversal is on the grounds that the Examiner has failed to establish that a search of the complete application would be an undue burden as required by MPEP 803. MPEP 803 states: “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” It is Applicant’s position that the Examiner has failed to establish that a search of the entire application constitutes an undue burden. Therefore, it is requested that the entire application be searched and examined.

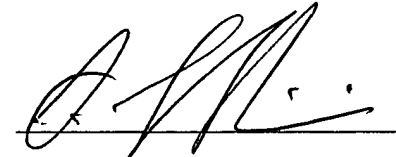
In accordance with the above elections with traverse, applicants reserve all rights in the non-elected claims, including the right to file one or more divisional applications covering the subject matter thereof.

Respectfully submitted,
SMART AND BIGGAR

Dec. 22, 2004

Date

By



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Encl.